



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JAN 28 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-084

Mr. Craig Jones
Environmental Program Manager
Idaho Power
1221 W. Idaho Street
Boise, Idaho 83707

Re: Risk-Based Disposal Application, 218 Clear Springs Drive, Twin Falls, Idaho

Dear Mr. Jones:

This letter provides approval under the authority of 40 Code of Federal Regulations (C.F.R.) § 761.61(c) to characterize and cleanup certain polychlorinated biphenyl (PCB) remediation waste at the property located at 218 Clear Springs Drive, Twin Falls, Idaho. This approval is specific to the project area documented in your April 25, 2012 application, revised June 3, 2013 (Enclosure 1, Reference 1) with updated decontamination procedures and Quality Assurance and Quality Control parameters submitted via e-mail June 20, 2013 and July 2, 2013, respectively (Enclosure 1, References 2 and 3), and is subject to the conditions established below. The rationale of the U.S. Environmental Protection Agency (EPA) for establishing these conditions is contained in the Statement of Basis for the Risk-Based Disposal Approval (Enclosure 2).

This written decision for a risk-based method for disposal of PCB bulk remediation waste is based on documentation provided to the EPA identified in Enclosure 1. In issuing this approval, the EPA finds that the method for disposal of PCB bulk remediation waste and sampling substrates, as described in this approval and subject to the conditions below, will not pose an unreasonable risk of injury to health or to the environment.

The terms and conditions of this approval are established pursuant to 40 C.F.R. § 761.61(c) and are enforceable under the Toxic Substances Control Act (TSCA). Any actions which deviate from the terms and conditions of this approval may result in administrative, civil, or criminal enforcement in accordance with Sections 16 and 17 of TSCA, 15 U.S.C. §§ 2615 and 2616.

Conditions

- 1) Idaho Power is authorized to conduct characterization, cleanup and associated verification sampling of PCB remediation waste as documented in References 1 through 3. This approval shall remain in effect for six months from its effective date. Idaho Power may request an extension to this six-month period if necessary to support final disposal of the cleanup wastes.
- 2) Excavated PCB remediation waste may be temporarily stored in containers at or near the point of excavation prior to off-site shipment according to the requirements of 40 C.F.R. § 761.65(c).

- 3) PCB remediation waste shall be managed and sent off-site for disposal according to the requirements of 40 C.F.R. § 761.61(a)(5)(i)(B). Excavated PCB remediation waste containing 50 ppm or more must be manifested for disposal within 30 days of generation. Idaho Power has proposed sending all excavated soils to U.S. Ecology in Grand View, Idaho. Idaho Power may request a modification to this approval to utilize a different disposal facility if so desired.
- 4) Idaho Power shall ensure that all on-site personnel who will be conducting activities pursuant to this approval have appropriate qualifications, training and personal protective equipment for such activities to ensure that potential dermal and inhalation exposure to PCB remediation waste does not pose an unreasonable risk of injury to health.
- 5) Idaho Power must ensure that all equipment used for conducting cleanup or verification sampling under this approval and which may be contaminated with or in contact with PCB remediation waste, as well as non-liquid cleaning materials and personal protective equipment, is managed according to the requirements of 40 C.F.R. § 761.61(a)(5)(v).
- 6) Within sixty (60) days after completing removal and disposal of PCB remediation waste authorized under this approval, Idaho Power shall submit to the EPA a report documenting that work is complete. This report shall include at a minimum explanation of the sampling and removal activities, a summary of verification sample analytical data and the original laboratory data package, and copies of any manifests or other disposal documentation for waste not subject to manifest requirements.
- 7) Idaho Power shall prepare and maintain records documenting the work conducted under this approval. At a minimum, records shall include all field notes and photographs of sampling and cleanup activities as well as laboratory data packages used to demonstrate compliance with the cleanup standards, and manifests and certificates of disposal for all PCB remediation waste shipped off-site for disposal. These records shall be maintained by Idaho Power for a minimum period of five years.
- 8) This approval does not relieve Idaho Power from its duty to comply with all other applicable federal, state, and local requirements, and does not release Idaho Power from any liability it may have with respect to releases of hazardous substances, pollutants or contaminants at or from the site.
- 9) If any time before, during or after conduct of activities subject to this approval, Idaho Power possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in the application for this risk-based disposal approval) indicating that activities approved herein may pose an unreasonable risk of injury to health or the environment, Idaho Power shall immediately cease all such activities and report such data or information via e-mail to the EPA project manager within 48 hours, and in writing to the Regional Administrator within ten (10) calendar days of first possessing or becoming aware of such data or information. Such activities shall not resume until the EPA provides written notification that the activities in question no longer pose an unreasonable risk of injury to health or the environment. At his or her sole discretion, the EPA project manager may waive the written reporting requirement for those issues that are determined to be minor, or can be timely resolved without modification of this approval.
- 10) The EPA reserves the right to modify or revoke this approval based on Idaho Power's failure to comply with material conditions of the approval or applicable federal regulations, or based on any available information that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment. Idaho Power may request modification of this approval by providing written notice to the EPA. If the EPA agrees

with a request for modification, the EPA will provide written approval to Idaho Power. At his or her sole discretion, the EPA project manager may waive the written reporting requirement for those issues that are determined to be minor, or can be timely resolved without modification of this approval. A request to modify the written approval shall not replace or stay any existing condition, and Idaho Power shall continue to comply with the existing approval conditions until the EPA approves the modification request in writing.

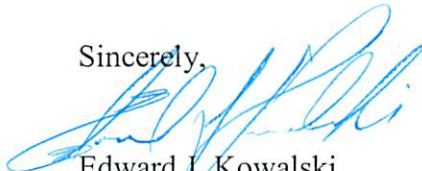
- 11) Submissions, reports, or notices required by or submitted pursuant to this approval shall be provided to the EPA as follows:

EPA: Michelle Mullin
PCB Coordinator
Office of Compliance and Enforcement
EPA Region 10
1200 6th Ave., Suite 900, OCE-084
Seattle, WA 98101

E-mail: Mullin.Michelle@epa.gov
Facsimile: (206) 553-1616

Should you have any questions or comments, please contact Michelle Mullin at (206) 553-1616, or Mullin.Michelle@epa.gov.

Sincerely,



Edward J. Kowalski
Director

Enclosures

1. Documentation Supporting Risk-Based Disposal Approval
2. Statement of Basis

Enclosure 1
Documentation Supporting Risk-Based Disposal Approval
Idaho Power Transformer Spill, Twin Falls, Idaho

- 1) "Risk-based Disposal Application", prepared by Idaho Power, dated April 25, 2013 and revised May 31, 2013.
- 2) "Email from Craig Jones, Idaho Power, to Michelle Mullin, U.S. EPA Region 10 (June 20, 2013, 11:30 a.m.).
- 3) "RE Email from Craig Jones, Idaho Power, to Michelle Mullin, U.S. EPA Region 10 (July 2, 2013, 9:39 a.m.).

Enclosure 2

Statement of Basis Risk-Based Disposal Approval Idaho Power Transformer Spill, Twin Falls, Idaho

Background

In April, 2012 a utility pole with a 15 kva pole-mounted transformer was knocked over when a tree fell into a power line that was connected to the pole. The pole broke off and fell into an adjacent property, along with the transformer. Upon inspection the transformer appeared to have lost about 5 gallons of oil. Analysis of the oil remaining in the transformer demonstrated 308 parts per million (ppm) of PCB Aroclor 1260. The site is located on private property identified as pasture land in rural Idaho; though no cattle grazing activity is currently occurring.

Idaho Power proposed a sampling plan to identify if any PCB contaminated material is at the site. The location of the spill is known, but there are no visible traces of the spill, therefore the horizontal and vertical extent of potentially impacted grass and soil is not fully understood. If any PCB contamination is discovered, the contaminated materials and a one-foot buffer will be removed and disposed of at U.S. Ecology in Grand View, Idaho, following 40 C.F.R. § 761.61(b)(2)(i). Idaho Power will conduct confirmation sampling to verify that all material with a total PCB concentration ≥ 1 ppm has been removed.

EPA's Evaluation of Idaho Power's Risk-Based Disposal Approval Application

The EPA's PCB Spill Cleanup Policy § 761.120(d)(2)(v) excludes spills that contaminate animal grazing lands from the automatic application of final decontamination standards under § 761.125(b) and (c). In 2003 the EPA conducted a detailed analysis of risk associated with human consumption of animals grazing on PCB contaminated land (Exposure and Risk Evaluation for Additional Indirect Exposure Pathways to PCBs-Agricultural Products and Deer Hunting, Mangino, 2003). As part of our evaluation of this recent spill, the EPA reviewed the 2003 evaluation and determined that removal of all PCBs ≥ 1 ppm will present no unreasonable risk of injury to health or to the environment at the spill site for unrestricted use.

Idaho Power proposed using the Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup for both characterization and verification sampling. Although this sampling guide applies to spill cleanups, and this site is not being addressed in accordance with the Spill Cleanup Policy, but rather a Risk-Based Disposal Approval under § 761.61(c), the EPA finds that the use of this sampling guide presents no unreasonable risk of injury to health or to the environment at the spill site.

Idaho Power proposes to dispose of PCB remediation waste generated from cleanup activities under the approval at US Ecology in Idaho, which is a chemical waste landfill. This is consistent with § 761.61(b)(2)(i).

Discussion of Conditions

- 1) Idaho Power is authorized to conduct characterization, cleanup and associated verification sampling of PCB remediation waste as documented in References 1 through 3. This approval shall remain in effect for six months from its effective date. Idaho Power may request an extension to this six-month period if necessary to support final disposal of the cleanup wastes..

This condition establishes the basic authorization to conduct the proposed characterization, cleanup and verification sampling activities, including the spatial boundaries of the proposed activities. The EPA is allowing a period of six-months for completing the proposed work, with a provision for a schedule extension if necessary to complete the authorized work.

- 2) Excavated PCB remediation waste may be temporarily stored in containers at or near the point of excavation prior to off-site shipment according to the requirements of 40 C.F.R. § 761.65(c).
- 3) PCB remediation waste shall be managed and sent off-site for disposal according to the requirements of 40 C.F.R. § 761.61(a)(5)(i)(B). Excavated PCB remediation waste containing 50 ppm or more must be manifested for disposal within 30 days of generation. Idaho Power has proposed sending all excavated soils to U.S. Ecology in Grand View, Idaho. Idaho Power may request a modification to this approval to utilize a different disposal facility if so desired.

Conditions 2 and 3 document storage and disposal requirements for wastes expected to be generated from the authorized work activities. Although the cited regulatory requirements are generally self-implementing, the EPA is including this condition for the sake of clarity and completeness.

- 4) Idaho Power shall ensure that all on-site personnel who will be conducting activities pursuant to this approval have appropriate qualifications, training and personal protective equipment for such activities to ensure that potential dermal and inhalation exposure to PCB remediation waste does not pose an unreasonable risk of injury to health.

This condition ensures that workers have the appropriate training to conduct work authorized by this approval in a safe manner. While the EPA is not specifying the particular training requirements, the EPA expects they will include applicable Community and Worker Right-to-Know and Chemical Hazard Communication information.

- 5) Idaho Power must ensure that all equipment used for conducting cleanup or verification sampling under this approval and which may be contaminated with or in contact with PCB remediation waste, as well as non-liquid cleaning materials and personal protective equipment, is managed according to the requirements of 40 C.F.R. § 761.61(a)(5)(v).

In an email to the EPA on June 20, 2013, Craig Jones described the decontamination and disposal procedures Idaho Power would implement for equipment and sampling materials used on site. The EPA is establishing this condition to ensure there is no inadvertent spread of, or contact with PCB remediation waste managed under this approval due to improper decontamination or disposal of equipment in contact with PCB contamination.

- 6) Within sixty (60) days after completing removal and disposal of PCB remediation waste authorized under this approval, Idaho Power shall submit to the EPA a report documenting that work is complete. This report shall include at a minimum explanation of the sampling and removal activities, a summary of verification sample analytical data and the original laboratory data package, and copies of any manifests or other disposal documentation for waste not subject to manifest requirements.

This condition establishes the requirement to submit a project completion report in order to document that all phases of work have been completed to the satisfaction of the EPA, including but not limited to verification that all PCB contamination ≥ 1 ppm has been excavated, and all PCB waste has been transferred off site for disposal. The EPA expects all soil, grass and any other media with PCBs ≥ 1 ppm to be removed from the site. Verification sampling in Condition 1 is anticipated to provide the data demonstrating that removal has been properly completed. If the EPA finds deficiencies in the completion report that indicate removal was not satisfactorily completed; Idaho Power shall remedy such deficiencies and complete all necessary work.

- 7) Idaho Power shall prepare and maintain records documenting the work conducted under this approval. At a minimum, records shall include all field notes and photographs of sampling and cleanup activities as well as laboratory data packages used to demonstrate compliance with the cleanup standards, and manifests and certificates of disposal for all PCB remediation waste shipped off-site for disposal. These records shall be maintained by Idaho Power for a minimum period of five years.

This condition establishes recordkeeping requirements that will allow the EPA to confirm that work conducted pursuant to this approval reflects full compliance with the approval's conditions.

- 8) This approval does not relieve Idaho Power from its duty to comply with all other applicable federal, state, and local requirements, and does not release Idaho Power from any liability it may have with respect to releases of hazardous substances, pollutants or contaminants at or from the site.

This condition clarifies that this TSCA approval does not relieve Idaho Power of any other duty or obligation it may have under federal, state, or local laws, and that the TSCA approval does not release or protect Idaho Power from any potential liability associated with the release or threat of release of hazardous substances, pollutants or contaminants at or from the site.

- 9) If any time before, during or after conduct of activities subject to this approval, Idaho Power possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in the application for this risk-based disposal approval) indicating that activities approved herein may pose an unreasonable risk of injury to health or the environment, Idaho Power shall immediately cease all such activities and report such data or information via e-mail to the EPA project manager within 48 hours, and in writing to the Regional Administrator within ten (10) calendar days of first possessing or becoming aware of such data or information. Such activities shall not resume until the EPA provides written notification that the activities in question no longer pose an unreasonable risk of injury to health or the environment. At his or her sole discretion, the EPA project manager may waive the written reporting requirement for those issues that are determined to be minor, or can be timely resolved without modification of this approval.
- 10) The EPA reserves the right to modify or revoke this approval based on Idaho Power's failure to comply with material conditions of the approval or applicable federal regulations, or based on any available information that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment. Idaho Power may request modification of this approval by providing written notice to the EPA. If the EPA agrees with a request for modification, the EPA will provide written approval to Idaho Power. At his or her sole discretion, the EPA project manager may waive the written reporting requirement for those issues that are determined to be minor, or can be timely resolved without modification of this approval. A request to modify the written approval shall not replace or stay any existing

condition, and Idaho Power shall continue to comply with the existing approval conditions until the EPA approves the modification request in writing.

Conditions 9 and 10 establish a communication protocol between Idaho Power and the EPA to promote open and frequent at the project manager level. The Conditions also ensure that if any information not available to the EPA at the time this approval is issued becomes known to Idaho Power (including its agents, consultants and contractors), it will be promptly made available to the EPA for purpose of ensuring that activities subject to this approval continue to pose no unreasonable risk of injury to health or the environment. These conditions also provide Idaho Power the opportunity to request revisions to the approval and ensure the EPA's ability to make changes to the authorized activities, including withdrawing approval, as necessary to ensure no unreasonable risk of injury to health or the environment.

Condition 11 not restated here is self explanatory.